

VALTX.001A

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jonathan Kagan et al. )  
App. No. : 10/698,148 )  
Filed : October 31, 2003 )  
For : APPARATUS AND METHODS FOR )  
TREATMENT OF MORBID )  
OBESITY )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**

**App. No.** : 10/698,148  
**Filed** : October 31, 2003

**No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ValenTx Inc.

Dated: \_\_\_\_\_

3/24/04

By: \_\_\_\_\_

Jonathan Kagan

Title: President

Address: 200 Homedale Road  
Hopkins, MN 55343

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031804

COPY

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ASSIGNMENT

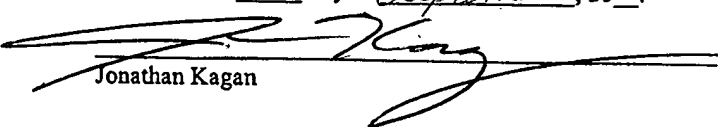
WHEREAS, We, Jonathan Kagan, a United States citizen, residing in Hopkins, MN; James Balliro, a United States citizen, residing in Jackson, WY; David Carr-Locke, a United States citizen, residing in Chestnut Hill, MA; Mitchell Dann, a United States citizen, residing in Wilson, WY; Lee Guterman, a United States citizen, residing in Amherst, NY; Sayeed Ikramuddin, a United States citizen, residing in Eden Prairie, MN; James Leary, a United States citizen, residing in Granite Bay, CA; Richard Thomas, a United States citizen, residing in Lincoln, MA, have invented certain new and useful improvements in a APPARATUS AND METHODS FOR TREATMENT OF MORBID OBESITY for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, ValenTx, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 200 Homedale Road, Hopkins, MN 55343, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9<sup>th</sup> day of September, 2003

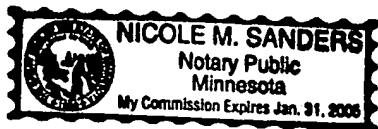
  
Jonathan Kagan

STATE OF Minnesota }  
COUNTY OF Hennepin } ss.

On 09-09-03, before me, Nicole M. Sanders, personally appeared Jonathan Kagan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Nicole M. Sanders  
Notary Signature

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17<sup>th</sup> day of September, 2003

James Balliro  
James Balliro

STATE OF Wyoming }  
COUNTY OF Teton } ss.

On September 17, 2003, before me, Bethany Ann Bonis, personally appeared James Balliro personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Bethany Ann Bonis  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

David Carr-Locke  
David Carr-Locke

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared David Carr-Locke personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

James Balliro

STATE OF

COUNTY OF

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared James Balliro personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8<sup>th</sup> day of October, 2003.

David Carr-Locke

STATE OF

COUNTY OF

ss.

On 10/8/03, before me, Janet M. Fox, personally appeared David Carr-Locke personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

Janet M. Fox, NOTARY PUBLIC  
My commission expires: May 8, 2009

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14 day of OCTOBER, 2003

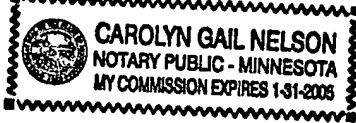
Mitchell Dann  
Mitchell Dann

STATE OF MINNESOTA }  
COUNTY OF Hennepin } ss.

On 10/14/03, before me, Mitchell Dann, personally appeared Mitchell Dann personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Carolyn Gail Nelson  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Lee Guterman

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Lee Guterman personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mitchell Dann

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Mitchell Dann personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 22<sup>nd</sup> day of September, 2003.

Lee Guterman  
Lee Guterman

STATE OF New York }  
COUNTY OF Erie } ss.

On September 22, 2003, before me, Debra J. Zimmer, personally appeared Lee Guterman personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Debra J. Zimmer  
Notary Signature

DEBRA J. ZIMMER  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Jan. 31, 2004

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8<sup>th</sup> day of Oct., 2003

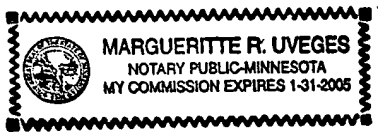
Sayed Ikramuddin  
Sayed Ikramuddin

STATE OF MINNESOTA }  
COUNTY OF ANOKA } ss.

On 10-8-03, before me, SAYEED IKRAMUDDIN, personally appeared Sayeed Ikramuddin personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Marguerite R. Uveges  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
James Leary

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared James Leary personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sayeed Ikramuddin

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

} ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Sayeed Ikramuddin personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 4<sup>th</sup> day of October, 2003

James Leary  
James Leary

STATE OF california

COUNTY OF placer

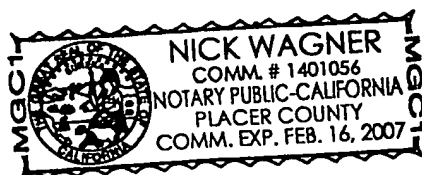
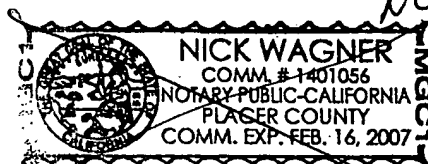
} ss.

On 10-04-03, before me, Nick Wagner Notary Public, personally appeared James Leary personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Nick Wagner  
Notary Signature



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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19<sup>th</sup> day of SEPT, 2003

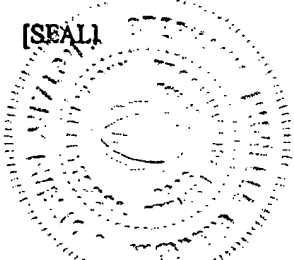
Richard Thomas  
Richard Thomas

STATE OF Massachusetts }  
COUNTY OF Suffolk } ss.

On Sept. 19 2003, before me, Stephanie Girardin, personally appeared Richard Thomas personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



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082703

Stephanie Girardin  
Notary Signature

Stephanie Michelle Girardin, Notary Public  
My Commission Expires, November 13, 2009